PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

NOTIFICATION.

(LAW DEPARTMENT)

No. LAW 63 LCR 65, dated Bangalore the 7th April 1965.

Ordered that the accompanying Notification No. S.O. 169, dated 4th January 1965 of the Central Board of Direct Taxes regarding the Income Tax (Amendment) Rules, 1965 which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (ii), dated the 5th January 1965, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

27 H. K. ANANTHASUBBA RAO,
Under Secy. to Govt., L. D

GOVERNMENT OF INDIA.

CENTRAL BOARD OF DIRECT TAXES

NOTIFICATION,

INCOME-TAX

New Delhi, the 4th January 1965.

S O. 169.—In exercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely :—

1. These rules may be called the Income-tax (Amendment) Rules, 1965.

2. In the Income-tax Rules, 1962 (hereinafter referred to as the principal rules), in Part II—

(a) before rule 3, the following rule shall be inserted, namely:—

"2A. *Limits for the purposes of section* 10 (13A).—The amount which is not to be included in the total income of an assessee in respect of the special allowance referred to in clause (13A) of section 10 shall be—

(a) the actual amount of such allowance received by the assessee in respect of the relevant period; or

(b) the amount by which the expenditure actually incurred by the assessee in payment of rent in respect of residential accommodation occupied by him exceeds one-tenth of the amount of salary due to the assessee in respect of the relevant period; or

(c) an amount equal to—

(i) where such residential accommodation is situate at Bombay, Calcutta, Delhi or Madras one-fifth of the amount of salary due to the assessee in respect of the relevant period, and

(ii) where such residential accommodation is situate at any other place, one-tenth of the amount of salary due to the assessee in respect of the relevant period, or

(d) a sum calculated at the rate of Rs. 300 per month in respect of the relevant period,

whichever is the least.

Explanation.—In this rule—

(i) 'salary' shall have the meaning assigned to it in clause (h) of rule 2 of Part A of the Fourth Schedule;

(ii) 'relevant period' means the period during which the said accommodation was occupied by the assessee during the previous year.";

(b) after rule 5, the following rule shall be inserted, namely:—

"5A. *Development rebate*.—The deduction to be allowed by way of development rebate in respect of any ship or machinery or plant referred to in sub-section (1A) of section 33 shall be a sum equivalent to—

(a) in the case of any such ship, twenty per cent. of the actual cost of the ship to the assessee;

(b) in the case of any such machinery or plant installed after the 31st day of March, 1964 —

(i) where it is installed before the 1st day of April, 1966, for the purposes of business of mining coal, twenty per cent of the actual cost of the machinery or plant to the assessee; and

(ii) in any other case, ten per cent of the actual cost of the machinery or plant to the assessee.

Explanation.—In this rule, 'actual cost' shall have the meaning assigned to it in clause (1) of section 43."

3. In PART IX of the principal rules, after rule 44, the following rules shall be inserted namely :—

"44A. *Application for tax clearance certificate for registration of documents in certain cases* —An application under sub-section (2) of section 230A for a certificate under sub-section (1) of that section shall be made in duplicate in Form No. 34A to the Income-tax Officer.

44B. *Grant of tax clearance certificate or refusal.*— Within 60 days of the receipt of the application referred to in rule 44A, the Income-tax Officer shall—

(i) if he is satisfied that the applicant has either paid or made satisfactory provision for payment of all existing liabilities under the enactments specified in clause (a) of sub-section (1) of section 230A or that the registration of the document referred to in the application will not prejudicially affect the recovery of any such liability, grant the certificate and forward the same to the registering officer concerned; or

(ii) if he is not so satisfied, pass an order in writing refusing to grant the certificate, recording his reasons therefor."

4. In rule 119 of the principal rules, in clause (iii) of sub-rule (2), after the words 'of police officers' the words "or of officers of the Central Government or of both" shall be inserted.

5. After rule 119 of the principal rules, the following rules shall be inserted, namely :—

"120. *Form for furnishing particulars by contractor.*—The particulars required to be furnished under sub-section (1) of section 285A by a contractor shall be in Form No. 52.

121. *Procedure for imposition of fine.*—No order imposing a fine under sub-section (2) of section 285A shall be made unless the contractor has been given a reasonable opportunity of being heard."

5. In Appendix II to the principal —rules

(i) after Form No. 34, the following Form shall be inserted namely:—

"FORM No. 34A

(*See* rule 41A)

APPLICATION FOR A CERTIFICATE UNDER SECTION 230A(1) OF THE INCOME-TAX ACT, 1961.

To

The Income-tax Officer,

.....

Sir;

I request that a certificate under sub-section (1) of section 230A of the Income-tax Act, 1961 be granted to me.

I give below the necessary particulars:

1. Full name and address of applicant (in block letters)

2. Status (whether individual, H.U.F., etc.)

3. Name of father (or husband) .... (To be filled in if the applicant is an individual)

4. (i) In case any assessment has been made on the applicant under the Indian Income-tax Act, 1922/ Income-tax Act, 1961/ Wealth-tax Act, 1957/ Expenditure Tax Act, 1957/ Gift-tax Act, 1958, name of Income-tax Circle/ Ward/ District in which such assessment in respect of the latest year was made.

(ii) If no assessment has been made as stated above, whether a return has been submitted under any of the said Acts for any year, and if so, the amount of income/ wealth/ expenditure/

gift returned for each such year and the Circle/Ward/District where such return has been filed.

5. (i) Names and addresses of all firms or associations of persons or body of individuals in which applicant is a partner or member and the Income-tax Circle Ward/District in which each such firm or Association of Persons or body of individuals is assessed to tax. .....

(ii) Names and addresses of all private limited companies in which applicant is or has been a Director at any time after 1st April 1962 and the Circle/Ward/District in which each such Company is assessed to tax. .....

6. Particulars of existing tax liability as on the date of the application under,—

	C.A.P./Asstt. year	Amount Rs.
(i) the Excess Profits Tax Act, 1940	.....	
(ii) the Business Profits Tax Act, 1947.	.....	
(iii) the Indian Income-tax Act, 1923	.....	
(iv) the Income-tax Act, 1961		
(v) the Wealth-tax Act, 1957		
(vi) the Expenditure-tax Act, 1957		
(vii) the Gift-tax Act, 1958		

(If there is no existing liability against applicant on the date of the application under any one of the aforesaid Acts this should be indicated by writing "NIL" against the name of the relevant Act.)

(i) Nature of the document i.e., whether a deed of sale, gift, settlement, lease, etc., proposed to be registered.

(ii) Nature of applicant's right, title or interest to or in the property purported to be transferred, assigned, limited or extinguished.

8. (i) In case the transferor is not the beneficial owner of or has no beneficial right or interest in the property proposed to be the name(s) and address(es) of the beneficial owner/owners. .....

(ii) In case the property is held by the applicant as a trustee, agent, guardian or in any other capacity on behalf of any person or persons, the name(s) and address(es) of such other person/persons.

9. In a case where the applicant is a trustee, the particulars of all existing tax liabilities, if any, of the beneficiary(ies) of the trust as on the date of application, under:—

[To be filled in only if the beneficiary(ies) is/are chargable to tax.]

	C.A.P./Asstt. year	Amount Rs.
(i) the Excess Profits Tax Act, 1940	.....	
(ii) the Business Profits Tax Act, 1947		.....
(iii) the Indian Income-tax Act, 1922		.....
(iv) the Income-tax Act, 1961		.....
(v) the Wealth-tax Act, 1957		
(vi) the Expenditure-tax Act, 1957	.....	.....
(vii) the Gift-tax Act, 1958	.....	.....

(Particulars should be given in a separate sheet if there is more than one such beneficiary.)

10. Date on which the right, title or interest to or in the property concerned was acquired.

11. Cost of acquisition of the property. If the property was constructed by the applicant, cost of acquisition of the land and cost of construction.

12. Particulars of the source or sources from which the cost of acquisition or construction was met.

13. If the property or part thereof was acquired under any of the following modes of acquisition, the particular mode of acquisition applicable to the applicant should be indicated :

(i) on any distribution of assets on the total or partial partition of a Hindu undivided family ....

(ii) under a gift or will

(iii) (*a*) by succession, inheritance or devolution, or

(*b*) on any distribution of assets on the dissolution of a firm, body of individuals or other association of persons, or

(*c*) on any distribution of assets on the liquidation of a company, or

(*d*) under a transfer to a revocable or an irrevocable trust, or ....

(*e*) any other mode not covered by the above.

14. Name and address of the transferee, assignee, etc. .....

15. (i) Full value of the consideration for which the property or the right, title or interest to or in the property is purported to be transferred ;

(ii) If the transfer is to be without consideration, the value for purposes of stamp duty.

16. Particulars of the property, i.e., its nature, extent, location, area, etc.

17. Designation and address of the registering officer to whom the document has been/will be presented for registration. .....

I declare that to the best of my knowledge and belief, the information furnished above is correct, complete and is truly stated.

Place——————

Date——————

Yours faithfully,

(Signature)

NOTES: 1. This application should be signed—

(*a*) in the case of an individual, by the individual himself; where the individual is absent from India, by the individual concerned or by some person duly authorised by him in this behalf; and where the individual is mentally incapacitated from attending to his affairs, by his guardian or by any other person competent to act on his behalf;

(*b*) in the case of a Hindu undivided family, by the Karta, and, where the Karta is absent from India or is mentally incapacitated from attending to his affairs, by any other adult member of such family;

(*c*) in the case of a company or local authority, by the principal officer thereof;

(*d*) in the case of a firm, by any partner thereof; not being a minor;

(*e*) in the case of any other association or body of individuals, by any member of the association or body or the principal officer thereof; and

(*f*) in the case of any other person, by that person or by some person competent to act on his behalf.

2. This application should be submitted in duplicate and should be accompanied by a copy of the document which is to be registered.

To

The Registrar/Sub-Registrar,

——————————.

1. The above-mentioned applicant has been assessed/is assessable* by me up to ——————————,

He/She/it* has

*no liabilities outstanding;

*made satisfactory provision for payment of taxes due under the Income-tax Act, 1961, Indian Income-tax Act, 1922, Excess Profits Tax Act, 1940, Business Profits Tax Act, 1947, Wealth-tax Act, 1957, Expenditure-tax Act, 1957 and Gift-tax Act, 1958.

3. *The registration of the document mentioned against item No. 7 (i) of the application will not prejudicially affect the recovery of any of the taxes due under the Income-tax Act, 1961, Indian Income-tax Act, 1922, Excess Profits Tax Act, 1940, Business Profits Tax Act, 1947, Wealth-tax Act, 1957, Expenditure-tax Act, 1957 and Gift-tax Act, 1958.

Signature
Designation: Income-tax Officer
Ward/District/Circle.

NOTE.—* Delete the inappropriate words of paragraph.

(ii) in Form No. 36, for the existing items Nos. 6, 7 and 8, the following items shall be substituted, namely :—

"6 **The Appellate Assistant Commissioner passing the order under section 131(2)/154/250/271.

7. **The Inspecting Assistant Commissioner passing the order under section 154/274(2).

8. **The Commissioner passing the order under section 154/263/285A."

(iii) in Form No. 45, after the words "of police officers", the words "or of officers of the Central Government or of both" shall be inserted.

(iv) after Form No. 51, the following Form shall be inserted namely :—

"FORM NO. 52

(*See* rule 120)

FORM OF PARTICULARS TO BE GIVEN UNDER SECTION 285A(1)

To

The Income-tax Officer.

Sir,

Whereas I/we*.....have entered into a contract of
(name and address)

the value exceeding rupees fifty thousand,--

*(i) for the construction of a building for

.....
(name and address)

(ii) for the supply of goods and/services (in connection with the construction of a building) to

.....
(name and address)

I/We furnish hereunder the following particulars relating to the contract in accordance with the provisions of section 285A(1) of the Income-tax Act, 1961 :—

1. Full name and address of the person with whom the contract made (in block letters).

2. Date of the contract.

3. Total value of the contract.

4. Place where the contract is to be executed.

5. Date by which the contractor has to perform the contract.

*6. (i) Location of the place where the building is to be constructed;

(ii) Number of storeys to be constructed and the number of rooms in each storey;

(iii) Plinth area of the building proposed to be constructed.

*7. Brief description of the goods or services to be supplied under the contract and the value thereof.

I declare that

*I**

the family

the firm

the association

the body of individuals

the local authority

the company

*has/has not entered into *another/other contract(s) in respect of t same have/have not any other building or part of such building for the construction thereof or for the supply of goods or services in connection therewith.

I further declare that to the best of my knowledge and belief, the information furnished above is correct, complete and is truly stated.

Yours faithfully,

Signature

Place.....

Status

Date.....

NOTES.—1. This form should be signed—

(*a*) in the case of an individual, by the individual himself; where the individual is absent from India, by the individual concerned or by some person duly authorised by him in this behalf; and where the individual is mentally incapacitated from attending to his affairs, by his guardian or by any other person competent to act on his behalf ;

(*b*) in the case of a Hindu undivided family, by the Karta, and, where the Karta is absent from India or is mentally incapacitated from attending to his affairs, by any other adult member of such family ;

(*c*) in the case of a company or local authority, by the principal officer thereof ;

(*d*) in the case of a firm, by any partner thereof, not being a minor ;

(*e*) in the case of any other association or body of individuals, by any member of the association or body or the principal officer thereof ; and

(f) in the case of any other person, by that person or by some person competent to act on his behalf.

2. This form should be submitted in duplicate and should be accompanied by a copy of the document which is to be registered.

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*Delete inappropriate words.

**In the case of an assessee who is an individual, if the declaration is signed by a person other than the individual himself, the word "me" or "I" should be scored out and the name of the assessee should be written here.

[No. 2/F. No. 3 (49)-64/TPL.]

V. RAMASWAMI IYER, Secy,
Central Board of Direct Taxes.